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March 16, 2004

By Messenger

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
One South Station, 2nd Floor
Boston, MA 02110

Re: Docket D.T.E. 03-60 – Opposition to Motion to Stay

Dear Ms. Cottrell:

I write on behalf of AT&T to bring to the Department's attention a decision yesterday by the Michigan Public Service Commission denying SBC's motion to stay that state's UNE impairment investigation. SBC had raised much the same arguments put forward in Verizon's pending motion to stay. The Michigan PSC's well-reasoned decision rejects those arguments.

Because the Michigan ruling provides useful guidance and perspective regarding the issues raised by Verizon's pending motion to stay, I enclose a copy for the Department's convenience.

AT&T again respectfully urges the Department to deny any extension of the current, limited three-week stay of this proceeding. Should the Department nonetheless decide to stay this proceeding further, however, AT&T urges the Department to issue only a temporary further stay, so that the decision on whether to proceed with the impairment investigation can be revisited when the United States Supreme Court decides whether or not to grant *certiorari* and review the D.C. Circuit's March 2, 2004 opinion in *USTA II*. In addition, if the Department were to grant a further stay, the order to temporarily stay proceedings should specifically provide that current unbundling requirements must remain in place at the current rates until the appeal of *USTA II* is fully resolved. Such an assurance would be critically important to protect Massachusetts consumers against any attempt by Verizon to interrupt their service and competitive options long before there has been any finding of "non-impairment" under federal law, and long before the Department has had an opportunity to determine the extent to which Verizon should be required to provide unbundled mass market switching as a matter of Massachusetts law and policy.

Very truly yours,

Kenneth W. Salinger

Mary L. Cottrell

March 25, 2004

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enclosure

pc: Paula Foley, Assistant General Counsel (w/ 2 copies of enclosures)
Jesse Reyes, Hearing Officer (w/2 copies of enclosures)
Mike Isenberg, Director, Telecommunications Division
April Mulqueen, Assistant Director, Telecommunications Division
Berhane Adhanom, Telecom Analyst
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